

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Javed Mobin,

Case No. 19-CV-2810 (WMW/HB)

Plaintiff,

v.

**REPORT AND
RECOMMENDATION**

County Hennepin Public Safety Faci,

Defendant.

In an order dated January 16, 2020, this Court indicated that Plaintiff Javed Mobin’s pleading was frivolous, in that it provides only the barest hint of what this case might be about. [Doc. No. 9 at 2.] The allegations in the complaint were too cryptic to put either the Defendant or the Court on notice of the claims being raised in this proceeding. Moreover, the sole Defendant named to this action is not amenable to suit. [See *id.*] The Court gave Mobin until February 14, 2020, by which to file an amended pleading that corrected these deficiencies, and warned Mobin that failing to file an amended complaint would result in a recommendation that this matter be dismissed without prejudice. See *Mallard v. U.S. Dist. Court*, 490 U.S. 296, 307-08 (1989) (explaining that the federal *in forma pauperis* statute “authorizes courts to dismiss a ‘frivolous’ . . . action, but there is little doubt they would have power to do so even in the absence of this statutory provision”); *Porter v. Fox*, 99 F.3d 271, 273 (8th Cir. 1996) (observing that district courts may *sua sponte* dismiss a frivolous complaint prior to service).

That deadline has now passed, and Mobin has neither submitted an amended complaint nor otherwise responded to this Court's January 16 Order. Accordingly, the Court now recommends that this matter be dismissed without prejudice.

Based on the foregoing and all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT:**

1. This matter be **DISMISSED WITHOUT PREJUDICE**, as frivolous.
2. Plaintiff Javed Mobin's applications to proceed in forma pauperis [Doc Nos. 2, 7] be **DENIED AS MOOT**.

Dated: March 9, 2020

s/ Hildy Bowbeer

HILDY BOWBEER

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).